

of tobacco products and accessories and the sale of other products is incidental.

### **How will the Act be enforced?**

Compliance is the responsibility of the person having control of an indoor public place or place of employment under this Act.

Enforcement of the Act also will be achieved by a complaint system. Employees and the public may report violations of the law to their local health departments.

### **Do I need to post signs?**

Yes. A “No Smoking” sign must be prominently posted at every public entrance and properly maintained where smoking is prohibited. These signs must state that violators may be fined. Signs must also be posted in areas where smoking is permitted.

### **Am I required to provide a smoking break room for my employees?**

No. In fact, the Act prohibits employers from providing a smoking break room for employees. Businesses with separately ventilated rooms for their smoking employees cannot allow smoking in these rooms or anywhere else in the building.

### **What are the penalties?**

A person who smokes in violation of the Act is subject to a fine of not less than \$250 for

the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

A person in charge of an indoor public place or workplace who refuses or fails to comply with the Act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

### **How can I find more information?**

For more information about the Act visit [www.smokefree.nj.gov](http://www.smokefree.nj.gov).

### **How can I file a complaint?**

To file a complaint, contact your local health department whose telephone number is in the government section of your telephone book.

### **Where can I get help to quit smoking?**

If you smoke and want to quit, call the NJ Quitline at 1-866-NJ-STOPS (1-866-657-8677), or visit NJ QuitNet® at [www.nj.quitnet.com](http://www.nj.quitnet.com). Both services are free and offer professional counseling and support.

If you are an employer and want to help your employees quit smoking, visit [www.njquit2win.com](http://www.njquit2win.com) for resources and tools to help you create a “quit smoking program” in your workplace.



## **Preparing for a Smoke-Free New Jersey.**

## **Understanding the Smoke-Free Air Act**

## **A Guide for Workplaces.**



Jon S. Corzine  
Governor



Fred M. Jacobs, M.D., J.D.  
Commissioner

**Effective April 15, 2006, indoor public places and workplaces across the State will be smoke free. The Act ensures that workers have a safe work place and that all nonsmokers, including children and senior citizens, can breathe smoke-free air in the public places they visit.**

### **What is the Smoke-Free Air Act?**

The Smoke-Free Air Act (P.L. 2005 c.383) prohibits smoking in indoor public places and workplaces to protect employees and the public from secondhand smoke. The Act states that tobacco smoke constitutes a substantial health hazard, and therefore, it is clearly in the public interest to prohibit smoking in enclosed indoor places. New Jersey is the eleventh state in the nation to pass a comprehensive smoke free workplace act. California was first in 1998, Delaware has been smoke free since November 2002, and New York enacted their smoke free law in July 2003.

### **What is secondhand smoke?**

Secondhand smoke is the combination of smoke exhaled by a smoker and the smoke from a burning cigarette. This combination is dangerous for both the smoker and the nonsmoker. It contains more than 4,000 chemicals, including 69 known and probable cancer-causing substances. The U.S. Environmental Protection Agency estimates that secondhand smoke kills approximately 62,000 nonsmokers each year in the United States. This includes between 1,000 and 1,800 New Jerseyans.

### **Why do we need to ban smoking in restaurants and bars?**

Waitresses have higher rates of lung and heart disease than any other traditionally female occupational group, according to a study published by the Journal of the American Medical Association. According to the same study, one shift in a smoky bar is equivalent to smoking 16 cigarettes a day. According to the UC Berkeley School of Public Health, two hours in a smoky bar is the same as smoking four cigarettes.

### **What indoor public places and workplaces must prohibit smoking?**

The Act, (P.L. 2005 c.383), states that smoking shall not be permitted in an indoor public place or workplace except as otherwise provided. This includes:

- Any enclosed location at which a person performs any service or labor;
- Bars;
- Restaurants;
- Public transportation including; all ticketing, boarding platforms and waiting areas; trains, buses, vans, taxicabs and limousines;
- All public and nonpublic elementary

and secondary school buildings, and all school grounds;

- Child care centers;
- Health care facilities, patient waiting rooms and nursing homes;
- Sports facilities, including race tracks and bowling alleys;
- Theaters, clubs, concert halls, public libraries, museums and art galleries;
- Shopping malls and retail stores;
- Parking facilities, lobbies, elevators, and lodging establishments including hotels and motels; and
- Bingo facilities.

### **Are there work places the Act does not apply to?**

Smoking is allowed in the following areas or businesses:

- Private homes, private residences and private automobiles;
- Hotels, motels or other lodging establishments may permit smoking in up to 20% of guest rooms;
- Within the perimeters of casino gaming areas, and casino simulcasting facilities;
- Cigar bars or lounges that in calendar year ending December 31, 2004, generated 15% or more of total annual gross income from the sale of tobacco products;
- Tobacco retail establishments whose primary activity (51%) is the retail sale